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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,584

Applicant(s)

ASTALA ET AL.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Amendment filed 8/9/04, which has been fully considered.
2. Amended claims 1 and 4-25 are presented for examination.
3. Claims 2 and 3 have been cancelled by Applicant.
4. This Action is FINAL.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1 and 4-25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 1, the term “the global server unit” in line 10 lacks proper antecedent basis. For the purpose of applying prior art, the Examiner interprets that “the global server unit” refers to “the global address server” of line 9.

In addition, lines 10-12 have been amended to recite, “the global server unit provides the terminal with an address of an access provider, an internet service provider, a mobile service provider.” From the claim, it is unclear whether Applicant intends to claim an inclusive (and) or an alternative (or) relationship between these three addresses. Based on Applicant’s

statements with respect to claim 1 found on the top of pg. 15 of the Remarks that “The capability of providing *one or more* of those addresses by the global address server is advantageous.... (emphasis added)”, the Examiner interprets that Applicant intends to claim an alternative relationship (i.e. the global server unit provides the terminal with an address of an access provider, an internet service provider, *or* a mobile service provider). The Examiner further points out that this is the only interpretation consistent with the disclosure, since Applicant has not enabled providing all three addresses simultaneously from the global address server. As disclosed, either the address of the internet service provider or the access provider must be known prior to communicating with the global address server in order to connect to the network. See Figs. 1 and 1b, for example.

8. As dependent claims, claims 4-25 suffer from the same deficiencies as claim 1.

Prior Art Rejections

9. **Examiner’s interpretation:** with respect to claims 4, 6, 13, 14, the term “shared communication session” is not explicitly defined by the claims nor the specification. Paragraph 0011 of the specification recites, “downloading to the terminal the group profile configuration, and establishing a shared communication session between the terminal and the server to allow access to information and services.” This suggests that a “shared communication session” is merely a communication session between a terminal and a server, which is consistent with the broadest reasonable interpretation of the claims. If Applicant intends to further limit the term “shared communication session” to using a “group profile” or an “individual profile,” Applicant should include these limitations in the claims. For the

purpose of applying prior art, the Examiner finds that a communication session between a terminal and a server is sufficient to teach “a shared communication session.” Moreover, the Examiner interprets that a “group profile” is any profile that relates to a group of individual users or network devices. Because an individual may belong to several groups, “an individual profile” may further comprise several “group profiles.”

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1, 4-7 and 9-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Win et al. (US 6,182,142 B1) (hereinafter Win).

12. As for claim 1, Win discloses a system coupled to a network, wherein the system comprises:

at least one terminal capable of wireless communication with the network through a gateway (ISP 926, Fig. 9; col. 27, lines 32-46, “Network link 920...transporting the information.”), wherein the terminal is capable of being utilized by at least two users such that the terminal provides shared communication facilities for the at least two users (col. 27, lines 17-31, “Computer system 900...types of information.”; Fig. 9);

a server coupled to the gateway for providing services and information management services to the terminal (server 930, Fig. 9); and

a global address server (Registry Server 108, Fig. 1) coupled to the gateway, wherein the global server unit provides the terminal with an address of an access provider (local network 922, Fig. 9), an internet service provider (ISP 926, Fig. 9), a mobile service provider (network resource, col. 14, line 58 – col. 15, line 12) and the server to facilitate subsequent communications by the terminal (col. 14, lines 58-67; col. 6, line 62 – col. 7, line 13; Fig. 9).

Under a second interpretation of the Win reference, further detailed in the Response to Arguments section below, the Examiner interprets that the global address server is equivalent to the DNS server inherent to Win and required for resolving the URL's into IP addresses.

See Cohen, col. 1, lines 59-66, for an exemplary teaching of the inherency of this limitation.

13. As for claim 4, Win discloses the system of claim 1, wherein the terminal initiates authentication of the terminal before a shared communication session is established (The communication session with the requested resource is not established until authentication is complete. See col. 6, lines 48-61, "Access Server 106...by the system 2.").
14. As for claim 5, Win discloses the system of claim 1, wherein the global address server comprises a global registry including the address of an access provider (local network 922), an internet service provider (ISP 926), and a mobile service provider (network resource, col. 14, line 58 – col. 15, line 12).
15. As for claim 6, Win discloses the system of claim 1, wherein the user is authenticated in a network node and wherein authentication is provided for a shared communication session

based on information received from a global registry (col. 6, lines 48-61, "Access Server 106...by the system 2.").

16. As for claim 7, Win discloses the system of claim 1, wherein a user of the terminal initiates a request for an individual communication session with the server (col. 6, lines 6-16, "The system 2...to Web resources.").

17. As for claim 9, Win discloses the system of claim 8, wherein the enabled services are located in a support server (protected servers 104 and 112, Fig. 1).

18. As for claim 10, Win discloses the system of claim 8, wherein the enabled services are located in an Internet (Fig. 1).

19. As for claim 11, Win discloses the system of claim 8, wherein the enabled services are group and individual services (col. 5, lines 28-61, "The system 2...may occur rapidly.").

20. As for claim 12, Win discloses the system of claim 1, wherein the server comprises:
a support server coupled to an internet service provider for providing the terminal with information management services, including access to messaging services (access server 106, Fig. 1);

a directory server coupled to the support server for providing directory services including authentication of the terminal and each user (registry server 108, Fig. 1); and

an application server coupled to the directory server for providing application specific services (protected servers 104 and 112, Fig. 1; see also col. 27, lines 47-55, "Computer system 900...as described herein.").

21. As for claim 13, Win discloses the system of claim 12, wherein the terminal is authenticated by a network unit to start a shared communication session and each user is

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authenticated by the support server for starting an individual communication session (col. 6, lines 48-61, "Access Server 106...by the system 2.").

22. As for claim 14, Win discloses the system of claim 12, wherein the application server transmits a group specific profile to the terminal of a specified group when a shared communication session is active and transmits an individual specific profile to the terminal when an individual communication session is active (col. 5, lines 28-61, "The system 2...may occur rapidly."; col. 6, lines 39-47, "Integration Tools 115...Registry Repository 110."; col. 6, line 65 - col. 7, line 5, "When the user selects...user's name and roles.").
23. As for claim 15, Win discloses the system of claim 14, wherein the group specific profile and the individual specific profile include language selection unique to that profile (col. 6, lines 39-47, "Integration Tools 115...Registry Repository 110.").
24. As for claim 16, Win discloses the system of claim 14, wherein at least one individual specific profile has administrative rights to modify the group specific profile (col. 5, lines 28-40, "The system 2 enables...and Hotline Staff.").
25. As for claim 17, Win discloses the system of claim 16, wherein at least one parameter of the services and the group specific profile can be updated by the user having administrative rights (col. 5, lines 28-40, "The system 2 enables...and Hotline Staff."; col. 5, line 64 - col. 6, line 5, "The system 2...administration time savings.").
26. As for claim 18, Win discloses the system of claim 17, wherein the updated parameter is stored in a database of the server when a change session is terminated (col. 13, lines 2-8, "Administration Application...in Registry Server 108.").

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27. As for claim 19, Win discloses the system of claim 18, wherein after the change session is terminated, updated content is selectable from any terminal of the specified group (col. 13, lines 2-8, "Administration Application...in Registry Server 108."; col. 14, lines 6-19, "Defining roles involves...are then defined.").
28. As for claim 20, Win discloses the system of claim 12, wherein at least one parameter of the services and the group specific profile can be updated by any terminal that is part of the group (col. 13, lines 2-8, "Administration Application...in Registry Server 108."; col. 14, lines 6-19, "Defining roles involves...are then defined.").

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Win in view of Lee.

31. As for claim 8, Win does not specifically disclose the use of wireless terminal comprising a touch sensitive display. Lee teaches the use of a wireless terminal comprising a touch sensitive display (col. 1, lines 56-62, "The wireless or handheld...these portable devices."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win by including a wireless terminal comprising a touch sensitive display, because

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this would allow for communication with the many existing handheld and wireless devices comprising such a display, as taught by Lee.

32. **Claims 21-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Win in view of Huang et al. (US 6,553,375 B1) (hereinafter Huang).

33. As for claim 21, Win discloses the system of claim 12, wherein the support server comprises:

an application server (protected servers 104 and 112, Fig. 1);

a login service unit coupled to the application server for authenticating the terminal for a shared session and an individual session (access server 106, Fig. 1);

a profile service unit coupled to the application server for providing and updating shared session profiles and individual session profiles (registry server 108, Fig. 1); and

an administrative service unit coupled to the application server for administration of the support server and a network application server (administration application 114, Fig. 1).

Win does not specifically disclose a global upgrade server for transmitting software upgrades to an upgrade service unit. The Examiner interprets that in teaching receipt of downloaded application programs (col. 27, lines 47-55, "Computer system 900...as described herein."), Win inherently teaches an upgrade service unit when combined with an upgrade server, as taught below. Huang teaches a global upgrade server for transmitting software upgrades to a remote terminal in order to maintain the most current software (col. 4, line 53 - col. 5, line 17, "In the present invention...to the server, etc."; col. 6, lines 16-31, "In both situations...by the client."). It would have been obvious to one of ordinary skill in the

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art to modify Win by adding a global upgrade server for transmitting software upgrades to a remote terminal in order to maintain the most current software, as taught by Huang.

34. As for claim 22, Win teaches a network for delivering applications and data to remote terminals via a network which may include the internet or world wide web. It is understood by those of ordinary skill in the art that information delivered over the internet may include advertising information. "Official Notice" is given that it is both known and expected in the art to configure advertising services based on a user profile for the purpose of more effective advertising. It would have been obvious to one of ordinary skill in the art to modify Win by including an advertising service unit coupled to the application server for configuring advertised services for the appropriate profile associated with the session that is active on the terminal, because this would allow for more effective advertising. See Herz et al. (US 6,571,279 B1) for an example of the prior art teaching these limitations.

35. As for claim 23, Win teaches the system of claim 21, wherein at least one parameter of the group profile and individual profile can be changed by the application server (col. 5, lines 28-61, "The system 2...may occur rapidly.").

36. As for claim 24, Win discloses the system of claim 1, wherein the global unit comprises:
a firewall unit for providing secured access (firewall 118, Fig. 1);
a global address server coupled to the firewall unit for storing the internet address of the server associated with the terminal (registry server 108, Fig. 1).

Although Win teaches downloading application programs (software) from remote servers, which application programs might reasonably include updated data, Win does not *explicitly* disclose a global upgrade server coupled to the global address server for providing

updated data, including software, to the server and the terminal. Huang teaches a global upgrade server for providing updated data to remote terminals in order to maintain the most current software (col. 4, line 53 - col. 5, line 17, "In the present invention...to the server, etc."; col. 6, lines 16-31, "In both situations...by the client."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win to include providing updated data, including software, to the server and the terminal in order to maintain the most current software, as taught by Huang.

37. As for claim 25, Win discloses downloading executable software but does not explicitly disclose a global upgrade server for the reasons above. Huang discloses a global upgrade server wherein an upgrade service unit receives, from the global upgrade server, a software product comprising:

executable software (col. 3, lines 15-22, "In accordance with...of the applications.");

at least one identification of the software product (col. 5, lines 6-17, "Each item in...to the server, etc."); and

an address of the server from where the software can be downloaded, wherein the global upgrade server responds to the server identifying from where the software product is available for downloading (col. 4, line 53 - col. 5, line 17, "In the present invention...to the server, etc.").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Win by including a global upgrade software with the limitations above in order to maintain the most current software in remote terminals, as taught by Huang above.

Response to Arguments

38. Objections to the title and specification are hereby withdrawn in view of Amendment.
39. Objections to the drawings are hereby withdrawn in view of Amendment.
40. Previous rejections of claims 1-25 under 35 USC 112, second paragraph, are hereby withdrawn in view of Amendment. However, new rejections to the amended claims have been applied above.
41. The rejection of claims 1, 2 and 8-10 under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,336,137 B1) is hereby withdrawn in view of Amendment and Applicant's Remarks, which are found persuasive.
42. Applicant's arguments filed 8/9/04 with respect to Win et al. (US 6,182,142 B1) have been fully considered but they are not persuasive.

Specifically, Applicant asserts on pg. 16 of the Remarks that Win fails to teach or suggest "any type of global address server for providing the terminal with any address, such as the address to the access server, registry server or any of the content providers...as recited by amended claim 1." The Examiner respectfully disagrees. The Examiner interprets that the registry server (108, Fig. 1) of Win is equivalent to the global address server of the present invention. As detailed in col. 14, lines 58-67, the registry server stores information for each of the resources, said information including the URL of the specific resource, which the Examiner interprets as comprising an address. The addresses of the network resources are provided to the terminal after authentication is complete, as described in col. 6, lines 6-23 and col. 6, line 62 – col. 7, line 13. It is further clear from Fig. 9, that the network resources

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may comprise an access provider (local network 922), an ISP (ISP 926), and a mobile service provider (network resource, col. 14, line 58 – col. 15, line 12).

Moreover, the Examiner notes that the system of Win would inherently use a DNS server for resolving the IP address of each resource, in a process detailed in Cohen, col. 1, lines 59-66, for example. Thus, in an alternate interpretation, the inherent DNS server could also be interpreted as the global address server of the presently claimed invention.

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,154,777, note name resolver 180, Fig. 5, col. 1, lines 5-12;

US 6,578,085 B1, note Figs. 10 and 11;

US 6,466,964 B1, note abstract.

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 12/8/04
Aaron Perez-Daple

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